

ASSEMBLY BILL

No. 1561

**Introduced by Committee on Labor and Employment (Monning
(Chair), Eng, Furutani, Ma, and Portantino)**

March 11, 2009

An act to add Section 6333 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1561, as introduced, Committee on Labor and Employment. Occupational safety and health: citation outcome analysis.

Existing law, the California Occupational Safety and Health Act of 1973, establishes enforcement procedures for the requirements related to safe and healthful working conditions for Californians. Existing law requires the Director of the Department of Industrial Relations to prepare and submit to the Legislature, not later than March 1, an annual report on the activities of the Division of Occupational Safety and Health of the department, including, among other components, the total inspections made and citations issued; the number of civil penalties assessed, total amount of fines collected, and the number of appeals heard; and information contained in a specified report prepared by the Bureau of Investigations of the division.

This bill would require the Division of Occupational Safety and Health of the department to collaborate with the Occupational Safety and Health Appeals Board of the department to prepare an annual report analyzing the outcomes of citations and other notifications to employers appealed by those employers to the board by employers during the immediately prior calendar year. The division would be required to present the written report, not later than March 1 of each year, to the Speaker of the

Assembly and the Chairperson of the Senate Committee on Rules for assignment to the appropriate committee or committees for evaluation.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6333 is added to the Labor Code, to read:
2 6333. (a) The division shall collaborate with the appeals board
3 to prepare an annual report that analyzes the outcomes of each
4 citation, notification of failure to abate, special order, and order
5 to take special action that satisfies all of the following:
6 (1) It was appealed to the appeals board by the employer to
7 whom the notification of whichever type was issued.
8 (2) It had a docket number issued in the immediately prior
9 calendar year.
10 (3) It was reviewed factually and legally in a prehearing
11 conference or in an administrative hearing.
12 (4) Its outcome was memorialized in a written order of decision.
13 (b) The division shall present, not later than March 1 of each
14 year, the written report analyzing the outcomes of the prior year
15 to the Speaker of the Assembly and the Chairperson of the Senate
16 Committee on Rules for assignment to the appropriate committee
17 or committees for evaluation.
18 SEC. 2. It is the intent of the Legislature that the report prepared
19 each year pursuant to this act be similar to the winter 1999 report
20 entitled "Outcomes Analysis of Pre-Hearing Conferences and
21 Administrative Law Hearings Involving Cal/OSHA Citations"
22 prepared by the Division of Occupational Safety and Health of the
23 Department of Industrial Relations. However, the report prepared
24 pursuant to this act is intended to include all the citations, orders,
25 and other notifications that satisfy the criteria specified in the act,
26 rather than just a sample of them, as were analyzed in the 1999
27 report.